

provisions apply to State gaming and wagering operations.

(2) The provisions of this subsection shall apply notwithstanding any other provision of law enacted before, on, or after October 17, 1988, unless such other provision of law specifically cites this subsection.

(Pub. L. 100-497, § 20, Oct. 17, 1988, 102 Stat. 2485.)

§ 2720. Dissemination of information

Consistent with the requirements of this chapter, sections 1301, 1302, 1303 and 1304 of title 18 shall not apply to any gaming conducted by an Indian tribe pursuant to this chapter.

(Pub. L. 100-497, § 21, Oct. 17, 1988, 102 Stat. 2486.)

§ 2721. Severability

In the event that any section or provision of this chapter, or amendment made by this chapter, is held invalid, it is the intent of Congress that the remaining sections or provisions of this chapter, and amendments made by this chapter, shall continue in full force and effect.

(Pub. L. 100-497, § 22, Oct. 17, 1988, 102 Stat. 2486.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

CHAPTER 30—INDIAN LAW ENFORCEMENT REFORM

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§ 2801. Definitions

For purposes of this chapter—

(1) The term “Branch of Criminal Investigations” means the entity the Secretary is required to establish within the Office of Justice Services under section 2802(d)(1) of this title.

(2) The term “Bureau” means the Bureau of Indian Affairs of the Department of the Interior.

(3) The term “employee of the Bureau” includes an officer of the Bureau.

(4) The term “enforcement of a law” includes the prevention, detection, and investigation of an offense and the detention or confinement of an offender.

(5) The term “Indian country” has the meaning given that term in section 1151 of title 18.

(6) The term “Indian tribe” has the meaning given that term in section 1301 of this title.

(7) The term “offense” means an offense against the United States and includes a violation of a Federal regulation relating to part or all of Indian country.

(8) The term “Secretary” means the Secretary of the Interior.

(10)¹ The term “tribal justice official” means—

(A) a tribal prosecutor;

(B) a tribal law enforcement officer; or

(C) any other person responsible for investigating or prosecuting an alleged criminal offense in tribal court.

(Pub. L. 101-379, § 2, Aug. 18, 1990, 104 Stat. 473; Pub. L. 111-211, title II, §§ 203(b), 211(a), July 29, 2010, 124 Stat. 2263, 2264.)

AMENDMENTS

2010—Pub. L. 111-211, § 211(a), redesignated and renumbered pars. (9) and (1) to (7) as (1) to (8), respectively, substituted “Office of Justice Services” for “Division of Law Enforcement Services” in par. (1), and struck out former par. (8) which read as follows: “The term ‘Division of Law Enforcement Services’ means the entity established within the Bureau under section 2802(b) of this title.”

Par. (10). Pub. L. 111-211, § 203(b), added par. (10).

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-211, title II, § 201(a), July 29, 2010, 124 Stat. 2261, provided that: “This title [enacting part G (§ 458ccc et seq.) of subchapter II of chapter 14 of this title and sections 2810 to 2815, 3665a, and 3682 of this title, redesignating part F (§ 458bbb et seq.) of subchapter II of chapter 14 of this title as part H (§ 458ddd et seq.), amending this section and sections 458ddd-1, 458ddd-2, 1302, 1321, 2411 to 2413, 2414a, 2415, 2431 to 2433, 2441, 2442, 2451, 2453, 2802 to 2804, 2809, 3613, 3621, 3653, 3662, 3663, 3666, and 3681 of this title, sections 841, 845, 1162, 4042, and 4352 of Title 18, Crimes and Criminal Procedure, sections 872, 872a, 873, and 878 of Title 21, Food and Drugs, sections 534 and 543 of Title 28, Judiciary and Judicial Procedure, and sections 2996f, 3732, 3796h, 3796dd, 5616, 5783, and 13709 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and section 1302 of this title, section 872 of Title 21, section 534 of Title 28, and sections 3732, 3796h, 3796dd, and 14044 of Title 42, amending provisions set out as a note under section 534 of Title 28, and repealing provisions set out as a note under section 3651 of this title] may be cited as the ‘Tribal Law and Order Act of 2010’.”

SHORT TITLE

Section 1 of Pub. L. 101-379 provided that: “This Act [enacting this chapter and provisions set out as a note under section 2991a of Title 42, The Public Health and Welfare] may be cited as the ‘Indian Law Enforcement Reform Act’.”

SEVERABILITY

Pub. L. 111-211, title II, § 204, July 29, 2010, 124 Stat. 2263, provided that: “If any provision of this title [see Short Title of 2010 Amendment note above], an amendment made by this title, or the application of such a provision or amendment to any individual, entity, or circumstance, is determined by a court of competent jurisdiction to be invalid, the remaining provisions of this title, the remaining amendments made by this title, and the application of those provisions and amendments to individuals, entities, or circumstances other than the affected individual, entity, or circumstance shall not be affected.”

¹ So in original. There is no par. (9).

FINDINGS; PURPOSES

Pub. L. 111-211, title II, §202, July 29, 2010, 124 Stat. 2262, provided that:

“(a) FINDINGS.—Congress finds that—

“(1) the United States has distinct legal, treaty, and trust obligations to provide for the public safety of Indian country;

“(2) Congress and the President have acknowledged that—

“(A) tribal law enforcement officers are often the first responders to crimes on Indian reservations; and

“(B) tribal justice systems are often the most appropriate institutions for maintaining law and order in Indian country;

“(3) less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than ½ of the law enforcement presence in comparable rural communities nationwide;

“(4) the complicated jurisdictional scheme that exists in Indian country—

“(A) has a significant negative impact on the ability to provide public safety to Indian communities;

“(B) has been increasingly exploited by criminals; and

“(C) requires a high degree of commitment and cooperation among tribal, Federal, and State law enforcement officials;

“(5)(A) domestic and sexual violence against American Indian and Alaska Native women has reached epidemic proportions;

“(B) 34 percent of American Indian and Alaska Native women will be raped in their lifetimes; and

“(C) 39 percent of American Indian and Alaska Native women will be subject to domestic violence;

“(6) Indian tribes have faced significant increases in instances of domestic violence, burglary, assault, and child abuse as a direct result of increased methamphetamine use on Indian reservations; and

“(7) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

“(b) PURPOSES.—The purposes of this title [see Short Title of 2010 Amendment note above] are—

“(1) to clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in Indian country;

“(2) to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies;

“(3) to empower tribal governments with the authority, resources, and information necessary to safely and effectively provide public safety in Indian country;

“(4) to reduce the prevalence of violent crime in Indian country and to combat sexual and domestic violence against American Indian and Alaska Native women;

“(5) to prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and

“(6) to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in Indian country.”

JURISDICTION OF THE STATE OF ALASKA

Pub. L. 111-211, title II, §205, July 29, 2010, 124 Stat. 2264, provided that: “Nothing in this Act [see Tables for classification] limits, alters, expands, or diminishes the civil or criminal jurisdiction of the State of Alaska, any subdivision of the State of Alaska, or any Indian tribe in that State.”

CRIMINAL JURISDICTION OVER NON-INDIANS

Pub. L. 111-211, title II, §206, July 29, 2010, 124 Stat. 2264, provided that: “Nothing in this Act [see Tables for

classification] confers on an Indian tribe criminal jurisdiction over non-Indians.”

DEFINITIONS

Pub. L. 111-211, title II, §203(a), July 29, 2010, 124 Stat. 2263, provided that: “In this title [see Short Title of 2010 Amendment note above]:

“(1) INDIAN COUNTRY.—The term ‘Indian country’ has the meaning given the term in section 1151 of title 18, United States Code.

“(2) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(4) TRIBAL GOVERNMENT.—The term ‘tribal government’ means the governing body of a federally recognized Indian tribe.”

§ 2802. Indian law enforcement responsibilities

(a) Responsibility of Secretary

The Secretary, acting through the Bureau, shall be responsible for providing, or for assisting in the provision of, law enforcement services in Indian country as provided in this chapter.

(b) Office of Justice Services

There is established in the Bureau an office, to be known as the “Office of Justice Services”, that, under the supervision of the Secretary, or an individual designated by the Secretary, shall be responsible for—

(1) carrying out the law enforcement functions of the Secretary in Indian country, and

(2) implementing the provisions of this section.

(c) Additional responsibilities of Division

Subject to the provisions of this chapter and other applicable Federal or tribal laws, the responsibilities of the Office of Justice Services in Indian country shall include—

(1) the enforcement of Federal law and, with the consent of the Indian tribe, tribal law;

(2) in cooperation with appropriate Federal and tribal law enforcement agencies, the investigation of offenses against criminal laws of the United States;

(3) the protection of life and property;

(4) the development of methods and expertise to resolve conflicts and solve crimes;

(5) the provision of criminal justice remedial actions, correctional and detention services, and rehabilitation;

(6) the reduction of recidivism and adverse social effects;

(7) the development of preventive and outreach programs which will enhance the public conception of law enforcement responsibilities through training and development of needed public service skills;

(8) the assessment and evaluation of program accomplishments in reducing crime;

(9) the development and provision of law enforcement training and technical assistance, including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses;

(10) the development and provision of dispatch and emergency and E-911 services;

(11) communicating with tribal leaders, tribal community and victims' advocates, tribal justice officials, indigent defense representatives, and residents of Indian country on a regular basis regarding public safety and justice concerns facing tribal communities;

(12) conducting meaningful and timely consultation with tribal leaders and tribal justice officials in the development of regulatory policies and other actions that affect public safety and justice in Indian country;

(13) providing technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center and other national crime information databases pursuant to section 534 of title 28;

(14) in coordination with the Attorney General pursuant to subsection (g) of section 3732 of title 42, collecting, analyzing, and reporting data regarding Indian country crimes on an annual basis;

(15) on an annual basis, sharing with the Department of Justice all relevant crime data, including Uniform Crime Reports, that the Office of Justice Services prepares and receives from tribal law enforcement agencies on a tribe-by-tribe basis to ensure that individual tribal governments providing data are eligible for programs offered by the Department of Justice;

(16) submitting to the appropriate committees of Congress, for each fiscal year, a detailed spending report regarding tribal public safety and justice programs that includes—

(A)(i) the number of full-time employees of the Bureau and tribal governments who serve as—

- (I) criminal investigators;
- (II) uniform police;
- (III) police and emergency dispatchers;
- (IV) detention officers;
- (V) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services; and
- (VI) tribal court judges, prosecutors, public defenders, appointed defense counsel, or related staff; and

(ii) the amount of appropriations obligated for each category described in clause (i) for each fiscal year;

(B) a list of amounts dedicated to law enforcement and corrections, vehicles, related transportation costs, equipment, inmate transportation costs, inmate transfer costs, replacement, improvement, and repair of facilities, personnel transfers, detailees and costs related to their details, emergency events, public safety and justice communications and technology costs, and tribal court personnel, facilities, indigent defense, and related program costs;

(C) a list of the unmet staffing needs of law enforcement, corrections, and court personnel (including indigent defense and prosecution staff) at tribal and Bureau of Indian Affairs justice agencies, the replacement and repair needs of tribal and Bureau corrections

facilities, needs for tribal police and court facilities, and public safety and emergency communications and technology needs; and

(D) the formula, priority list or other methodology used to determine the method of disbursement of funds for the public safety and justice programs administered by the Office of Justice Services;

(17) submitting to the appropriate committees of Congress, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-determination contracts or self-governance compacts with the Secretary; and

(18) promulgating regulations to carry out this chapter, and routinely reviewing and updating, as necessary, the regulations contained in subchapter B of title 25,¹ Code of Federal Regulations (or successor regulations).

(d) Branch of Criminal Investigations; establishment, responsibilities, regulations, personnel, etc.

(1) The Secretary shall establish within the Office of Justice Services a separate Branch of Criminal Investigations which, under such inter-agency agreement as may be reached between the Secretary and appropriate agencies or officials of the Department of Justice and subject to such guidelines as may be adopted by relevant United States attorneys, shall be responsible for the investigation, and presentation for prosecution, of cases involving violations of sections 1152 and 1153 of title 18 within Indian country.

(2) The Branch of Criminal Investigations shall not be primarily responsible for the routine law enforcement and police operations of the Bureau in Indian country.

(3) The Secretary shall prescribe regulations which shall establish a procedure for active co-operation and consultation of the criminal investigative employees of the Bureau assigned to an Indian reservation with the governmental and law enforcement officials of the Indian tribe located on such reservation.

(4)(i) Criminal investigative personnel of the Branch shall be subject only to the supervision and direction of law enforcement personnel of the Branch or of the Office of Justice Services. Such personnel shall not be subject to the supervision of the Bureau of Indian Affairs Agency Superintendent or Bureau of Indian Affairs Area Office Director. Nothing in this paragraph is intended to prohibit cooperation, coordination, or consultation, as appropriate, with nonlaw enforcement Bureau of Indian Affairs personnel at the agency or area levels, or prohibit or restrict the right of a tribe to contract the investigative program under the authority of Public Law 93-638 [25 U.S.C. 450 et seq.] or to maintain its own criminal investigative operations.

(ii) At the end of one year following the date of establishment of the separate Branch of Criminal Investigations, any tribe may, by reso-

¹ So in original. Probably should be "subchapter B of chapter I of title 25."

lution of the governing body of the tribe, request the Secretary to reestablish line authority through the Agency Superintendent or Bureau of Indian Affairs Area Office Director. In the absence of good cause to the contrary, the Secretary, upon receipt of such resolution, shall reestablish the line authority as requested by the tribe.

(e) Standards of education and experience and classification of positions

(1) Standards of education and experience

(A) In general

The Secretary shall establish appropriate standards of education, experience, training, and other relevant qualifications for law enforcement personnel of the Office of Justice Services who are charged with law enforcement responsibilities pursuant to section 2803 of this title.

(B) Requirements for training

The training standards established under subparagraph (A)—

(i) shall be consistent with standards accepted by the Federal Law Enforcement Training Accreditation commission for law enforcement officers attending similar programs; and

(ii) shall include, or be supplemented by, instruction regarding Federal sources of authority and jurisdiction, Federal crimes, Federal rules of criminal procedure, and constitutional law to bridge the gap between State training and Federal requirements.

(C) Training at State, tribal, and local academies

Law enforcement personnel of the Office of Justice Services or an Indian tribe may satisfy the training standards established under subparagraph (A) through training at a State or tribal police academy, a State, regional, local, or tribal college or university, or other training academy (including any program at a State, regional, local, or tribal college or university) that meets the appropriate Peace Officer Standards of Training.

(D) Maximum age requirement

Pursuant to section 3307(e) of title 5, the Secretary may employ as a law enforcement officer under section 2803 of this title any individual under the age of 47, if the individual meets all other applicable hiring requirements for the applicable law enforcement position.

(2) The Secretary shall also provide for the classification of such positions within the Office of Justice Services at GS grades, as provided in section 5104 of title 5, consistent with the responsibilities and duties assigned to such positions and with the qualifications established for such positions.

(3) In classifying positions in the Office of Justice Services under paragraph (2), the Secretary shall ensure that such positions are classified at GS grades comparable to those for other Federal law enforcement personnel in other Federal agencies in light of the responsibilities, duties, and qualifications required of such positions.

(4) Background checks for tribal justice officials

(A) In general

The Office of Justice Services shall develop standards and deadlines for the provision of background checks to tribal law enforcement and corrections officials.

(B) Timing

If a request for a background check is made by an Indian tribe that has contracted or entered into a compact for law enforcement or corrections services with the Bureau of Indian Affairs pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Office of Justice Services shall complete the check not later than 60 days after the date of receipt of the request, unless an adequate reason for failure to respond by that date is provided to the Indian tribe in writing.

(f) Long-term plan for tribal detention programs

Not later than 1 year after July 29, 2010, the Secretary, acting through the Bureau, in coordination with the Department of Justice and in consultation with tribal leaders, tribal courts, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including—

(1) a description of proposed activities for—

(A) the construction, operation, and maintenance of juvenile (in accordance with section 2453(a)(3) of this title² and adult detention facilities (including regional facilities) in Indian country;

(B) contracting with State and local detention centers, upon approval of affected tribal governments; and

(C) alternatives to incarceration, developed in cooperation with tribal court systems;

(2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and

(3) any other alternatives as the Secretary, in coordination with the Attorney General and in consultation with Indian tribes, determines to be necessary.

(Pub. L. 101-379, § 3, Aug. 18, 1990, 104 Stat. 473; Pub. L. 111-211, title II, §§ 211(b), 231(a), 262, July 29, 2010, 124 Stat. 2264, 2272, 2299.)

REFERENCES IN TEXT

Public Law 93-638 and the Indian Self-Determination and Education Assistance Act, referred to in subsecs. (d)(4)(i) and (e)(4)(B), are Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to subchapter II (§ 450 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

AMENDMENTS

2010—Subsec. (b). Pub. L. 111-211, § 211(b)(1), inserted heading and substituted “There is established in the Bureau an office, to be known as the ‘Office of Justice Services’, that” for “There is hereby established within

²So in original. Probably should be followed by a closing parenthesis.

the Bureau a Division of Law Enforcement Services which” in introductory provisions.

Subsec. (c). Pub. L. 111-211, §211(b)(2)(A), substituted “Office of Justice Services” for “Division of Law Enforcement Services” in introductory provisions.

Subsec. (c)(9). Pub. L. 111-211, §262, inserted before semicolon “, including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses”.

Subsec. (c)(10) to (18). Pub. L. 111-211, §211(b)(2)(B)–(D), added pars. (10) to (18).

Subsec. (d)(1). Pub. L. 111-211, §211(b)(3)(A), substituted “Office of Justice Services” for “Division of Law Enforcement Services”.

Subsec. (d)(4)(i). Pub. L. 111-211, §211(b)(3)(B), substituted “Office of Justice Services” for “Division”.

Subsec. (e). Pub. L. 111-211, §231(a)(1)(A), inserted heading.

Pub. L. 111-211, §211(b)(4), substituted “Office of Justice Services” for “Division of Law Enforcement Services” in pars. (1) to (3).

Subsec. (e)(1). Pub. L. 111-211, §231(a)(1), inserted heading, designated existing provisions as subpar. (A), inserted subpar. (A) heading, and added subpars. (B) to (D).

Subsec. (e)(3). Pub. L. 111-211, §231(a)(2), substituted “agencies” for “Agencies”.

Subsec. (e)(4). Pub. L. 111-211, §231(a)(3), added par. (4).

Subsec. (f). Pub. L. 111-211, §211(b)(5), added subsec. (f).

§ 2803. Law enforcement authority

The Secretary may charge employees of the Bureau with law enforcement responsibilities and may authorize those employees to—

- (1) carry firearms;
- (2) execute or serve warrants, summonses, or other orders relating to a crime committed in Indian country and issued under the laws of—
 - (A) the United States (including those issued by a Court of Indian Offenses under regulations prescribed by the Secretary or offenses processed by the Central Violations Bureau); or
 - (B) an Indian tribe if authorized by the Indian tribe;
- (3) make an arrest without a warrant for an offense committed in Indian country if—
 - (A) the offense is committed in the presence of the employee;¹
 - (B) the offense is a felony and the employee has probable cause to believe that the person to be arrested has committed, or is committing, the felony;
 - (C) the offense is a misdemeanor crime of domestic violence, dating violence, stalking, or violation of a protection order and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim, and the

employee has probable cause to believe that the person to be arrested has committed, or is committing the crime; or

(D)(i) the offense involves—

(I) a misdemeanor controlled substance offense in violation of—

(aa) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(bb) title IX of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a et seq.);² or

(cc) section 865 of title 21;

(II) a misdemeanor firearms offense in violation of chapter 44 of title 18;

(III) a misdemeanor assault in violation of chapter 7 of title 18; or

(IV) a misdemeanor liquor trafficking offense in violation of chapter 59 of title 18; and

(ii) the employee has probable cause to believe that the individual to be arrested has committed, or is committing, the crime;

(4) offer and pay a reward for services or information, or purchase evidence, assisting in the detection or investigation of the commission of an offense committed in Indian country or in the arrest of an offender against the United States;

(5) make inquiries of any person, and administer to, or take from, any person an oath, affirmation, or affidavit, concerning any matter relevant to the enforcement or carrying out in Indian country of a law of either the United States or an Indian tribe that has authorized the employee to enforce or carry out tribal laws;

(6) wear a prescribed uniform and badge or carry prescribed credentials;

(7) perform any other law enforcement related duty; and

(8) when requested, assist (with or without reimbursement) any Federal, tribal, State, or local law enforcement agency in the enforcement or carrying out of the laws or regulations the agency enforces or administers.

(Pub. L. 101-379, §4, Aug. 18, 1990, 104 Stat. 475; Pub. L. 109-162, title IX, §908(b), Jan. 5, 2006, 119 Stat. 3083; Pub. L. 111-211, title II, §211(c), July 29, 2010, 124 Stat. 2266.)

REFERENCES IN TEXT

The Controlled Substances Act, referred to in par. (3)(D)(i)(I)(aa), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, referred to in par. (3)(D)(i)(I)(bb), is Pub. L. 104-193, Aug. 22, 1996, 110 Stat. 2105. Title IX of the Act enacted section 862b of Title 21, Food and Drugs, and sections 608a, 710, and 14016 of Title 42, The Public Health and Welfare, amended section 1693b of Title 15, Commerce and Trade, section 32 of Title 26, Internal Revenue Code, and sections 1396a, 1396g, 1397a, 1397b, 1437d, 1437f, and 1437z of Title 42, and enacted provisions set out as notes under section 32 of

¹ So in original. The comma probably should be a semicolon.

² See References in Text note below.

Title 26 and sections 601, 710, and 1396a of Title 42. For complete classification of this Act to the Code, see Short Title of 1996 Amendments note set out under section 1305 of Title 42 and Tables.

AMENDMENTS

2010—Par. (2)(A). Pub. L. 111–211, §211(c)(1), substituted “or offenses processed by the Central Violations Bureau); or” for “), or”.

Par. (3)(B), (C). Pub. L. 111–211, §211(c)(2)(B), substituted “probable cause” for “reasonable grounds”.

Par. (3)(D). Pub. L. 111–211, §211(c)(2)(A), (C), (D), added subpar. (D).

2006—Par. (3)(C). Pub. L. 109–162 added subpar. (C).

§ 2804. Assistance by other agencies

(a) Agreements

(1) In general

Not later than 180 days after July 29, 2010, the Secretary shall establish procedures to enter into memoranda of agreement for the use (with or without reimbursement) of the personnel or facilities of a Federal, tribal, State, or other government agency to aid in the enforcement or carrying out in Indian country of a law of either the United States or an Indian tribe that has authorized the Secretary to enforce tribal laws.

(2) Certain activities

The Secretary may authorize a law enforcement officer of such an agency to perform any activity the Secretary may authorize under section 2803 of this title.

(3) Program enhancement

(A) Training sessions in Indian country

(i) In general

The procedures described in paragraph (1) shall include the development of a plan to enhance the certification and provision of special law enforcement commissions to tribal law enforcement officials, and, subject to subsection (d), State and local law enforcement officials, pursuant to this section.

(ii) Inclusions

The plan under clause (i) shall include the hosting of regional training sessions in Indian country, not less frequently than biannually, to educate and certify candidates for the special law enforcement commissions.

(B) Memoranda of agreement

(i) In general

Not later than 180 days after July 29, 2010, the Secretary, in consultation with Indian tribes and tribal law enforcement agencies, shall develop minimum requirements to be included in special law enforcement commission agreements pursuant to this section.

(ii) Substance of agreements

Each agreement entered into pursuant to this section shall reflect the status of the applicable certified individual as a Federal law enforcement officer under subsection (f), acting within the scope of the duties described in section 2802(c) of this title.

(iii) Agreement

Not later than 60 days after the date on which the Secretary determines that all applicable requirements under clause (i) are met, the Secretary shall offer to enter into a special law enforcement commission agreement with the Indian tribe.

(b) Agreement to be in accord with agreements between Secretary and Attorney General

Any agreement entered into under this section relating to the enforcement of the criminal laws of the United States shall be in accord with any agreement between the Secretary and the Attorney General of the United States.

(c) Limitations on use of personnel of non-Federal agency

The Secretary may not use the personnel of a non-Federal agency under this section in an area of Indian country if the Indian tribe having jurisdiction over such area of Indian country has adopted a resolution objecting to the use of the personnel of such agency. The Secretary shall consult with Indian tribes before entering into any agreement under subsection (a) of this section with a non-Federal agency that will provide personnel for use in any area under the jurisdiction of such Indian tribes.

(d) Authority of Federal agency head to enter into agreement with Secretary

Notwithstanding the provisions of section 1535 of title 31, the head of a Federal agency with law enforcement personnel or facilities may enter into an agreement (with or without reimbursement) with the Secretary under subsection (a) of this section.

(e) Authority of Federal agency head to enter into agreement with Indian tribe

The head of a Federal agency with law enforcement personnel or facilities may enter into an agreement (with or without reimbursement) with an Indian tribe relating to—

- (1) the law enforcement authority of the Indian tribe, or
- (2) the carrying out of a law of either the United States or the Indian tribe.

(f) Status of person as Federal employee

While acting under authority granted by the Secretary under subsection (a) of this section, a person who is not otherwise a Federal employee shall be considered to be—

- (1) an employee of the Department of the Interior only for purposes of—
 - (A) the provisions of law described in section 3374(c)(2) of title 5, and
 - (B) sections 111 and 1114 of title 18, and
- (2) an eligible officer under subchapter III of chapter 81 of title 5.

(g) Acceptance of assistance

The Bureau may accept reimbursement, resources, assistance, or funding from—

- (1) a Federal, tribal, State, or other government agency; or
- (2) the Indian Law Enforcement Foundation established under section 458ccc–1(a)¹ of this title.

¹ See References in Text note below.

(Pub. L. 101-379, §5, Aug. 18, 1990, 104 Stat. 476; Pub. L. 111-211, title II, §231(b), (e), July 29, 2010, 124 Stat. 2273, 2278.)

REFERENCES IN TEXT

Section 458ccc-1(a) of this title, referred to in subsec. (g)(2), was in the original “section 701(a) of the Indian Self-Determination and Education Assistance Act”, and was translated as reading “section 702(a) of the Indian Self-Determination and Education Assistance Act”, meaning section 702(a) of Pub. L. 93-638, to reflect the probable intent of Congress, because Pub. L. 93-638 does not contain a section 701(a), and section 702(a) of Pub. L. 93-638 relates to establishment of the Indian Law Enforcement Foundation.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-211, §231(b), inserted heading, designated first sentence as par. (1), inserted par. (1) heading, substituted “Not later than 180 days after July 29, 2010, the Secretary shall establish procedures to enter into memoranda of agreement” for “The Secretary may enter into an agreement”, designated second sentence as par. (2), inserted par. (2) heading, and added par. (3).

Subsec. (g). Pub. L. 111-211, §231(e), added subsec. (g).

§ 2805. Regulations

After consultation with the Attorney General of the United States, the Secretary may prescribe under this chapter regulations relating to the enforcement of criminal laws of the United States and regulations relating to the consideration of applications for contracts awarded under the Indian Self-Determination Act [25 U.S.C. 450f et seq.] to perform the functions of the Branch of Criminal Investigations.

(Pub. L. 101-379, §6, Aug. 18, 1990, 104 Stat. 476.)

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in text, is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to part A (§450f et seq.) of subchapter II of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

§ 2806. Jurisdiction**(a) Investigative jurisdiction over offenses against criminal laws**

The Secretary shall have investigative jurisdiction over offenses against criminal laws of the United States in Indian country subject to an agreement between the Secretary and the Attorney General of the United States.

(b) Exercise of investigative authority

In exercising the investigative authority conferred by this section, the employees of the Bureau shall cooperate with the law enforcement agency having primary investigative jurisdiction over the offense committed.

(c) Law enforcement commission or other delegation of prior authority not invalidated or diminished

This chapter does not invalidate or diminish any law enforcement commission or other delegation of authority issued under the authority of the Secretary before August 18, 1990.

(d) Authorities in addition to prior authority; civil or criminal jurisdiction, law enforcement, investigative, or judicial authority, of United States, Indian tribes, States, etc., unaffected

The authority provided by this chapter is in addition to, and not in derogation of, any authority that existed before August 18, 1990. The provisions of this chapter alter neither the civil or criminal jurisdiction of the United States, Indian tribes, States, or other political subdivisions or agencies, nor the law enforcement, investigative, or judicial authority of any Indian tribe, State, or political subdivision or agency thereof, or of any department, agency, court, or official of the United States other than the Secretary.

(Pub. L. 101-379, §7, Aug. 18, 1990, 104 Stat. 476.)

§ 2807. Uniform allowance

Notwithstanding the limitation in section 5901(a) of title 5, the Secretary may provide a uniform allowance for uniformed law enforcement officers under section 2803 of this title of not more than \$400 a year.

(Pub. L. 101-379, §8, Aug. 18, 1990, 104 Stat. 477.)

§ 2808. Source of funds

Any expenses incurred by the Secretary under this chapter shall be paid from funds appropriated under section 13 of this title.

(Pub. L. 101-379, §9, Aug. 18, 1990, 104 Stat. 477.)

§ 2809. Reports to tribes**(a) Coordination and data collection****(1) Investigative coordination**

Subject to subsection (c), if a law enforcement officer or employee of any Federal department or agency terminates an investigation of an alleged violation of Federal criminal law in Indian country without referral for prosecution, the officer or employee shall coordinate with the appropriate tribal law enforcement officials regarding the status of the investigation and the use of evidence relevant to the case in a tribal court with authority over the crime alleged.

(2) Investigation data

The Federal Bureau of Investigation shall compile, on an annual basis and by Field Division, information regarding decisions not to refer to an appropriate prosecuting authority cases in which investigations had been opened into an alleged crime in Indian country, including—

- (A) the types of crimes alleged;
- (B) the statuses of the accused as Indians or non-Indians;
- (C) the statuses of the victims as Indians or non-Indians; and
- (D) the reasons for deciding against referring the investigation for prosecution.

(3) Prosecutorial coordination

Subject to subsection (c), if a United States Attorney declines to prosecute, or acts to terminate prosecution of, an alleged violation of

Federal criminal law in Indian country, the United States Attorney shall coordinate with the appropriate tribal justice officials regarding the status of the investigation and the use of evidence relevant to the case in a tribal court with authority over the crime alleged.

(4) Prosecution data

The United States Attorney shall submit to the Native American Issues Coordinator to compile, on an annual basis and by Federal judicial district, information regarding all declarations of alleged violations of Federal criminal law that occurred in Indian country that were referred for prosecution by law enforcement agencies, including—

- (A) the types of crimes alleged;
- (B) the statuses of the accused as Indians or non-Indians;
- (C) the statuses of the victims as Indians or non-Indians; and
- (D) the reasons for deciding to decline or terminate the prosecutions.

(b) Annual reports

The Attorney General shall submit to Congress annual reports containing, with respect to the applicable calendar year, the information compiled under paragraphs (2) and (4) of subsection (a)—

- (1) organized—
 - (A) in the aggregate; and
 - (B)(i) for the Federal Bureau of Investigation, by Field Division; and
 - (ii) for United States Attorneys, by Federal judicial district; and
- (2) including any relevant explanatory statements.

(c) Effect of section

(1) In general

Nothing in this section requires any Federal agency or official to transfer or disclose any confidential, privileged, or statutorily protected communication, information, or source to an official of any Indian tribe.

(2) Federal Rules of Criminal Procedure

Nothing in this section affects or limits the requirements of Rule 6 of the Federal Rules of Criminal Procedure.

(3) Regulations

The Attorney General shall establish, by regulation, standards for the protection of the confidential or privileged communications, information, and sources described in this section.

(Pub. L. 101-379, §10, Aug. 18, 1990, 104 Stat. 477; Pub. L. 111-211, title II, §212, July 29, 2010, 124 Stat. 2267.)

REFERENCES IN TEXT

Rule 6 of the Federal Rules of Criminal Procedure, referred to in subsec. (c)(2), is set out in the Appendix to Title 18, Crimes and Criminal Procedure.

AMENDMENTS

2010—Pub. L. 111-211 added subsecs. (a) to (c) and struck out former subsecs. (a) to (d) which related, respectively, to reports by law enforcement officials of the Bureau of Indian Affairs or Federal Bureau of In-

vestigation, reports by United States attorneys, case files included within reports, and transfer or disclosure of confidential or privileged communication, information, or sources to tribal officials.

§ 2810. Assistant United States Attorney tribal liaisons

(a) Appointment

The United States Attorney for each district that includes Indian country shall appoint not less than 1 assistant United States Attorney to serve as a tribal liaison for the district.

(b) Duties

The duties of a tribal liaison shall include the following:

- (1) Coordinating the prosecution of Federal crimes that occur in Indian country.
- (2) Developing multidisciplinary teams to combat child abuse and domestic and sexual violence offenses against Indians.
- (3) Consulting and coordinating with tribal justice officials and victims' advocates to address any backlog in the prosecution of major crimes in Indian country in the district.
- (4) Developing working relationships and maintaining communication with tribal leaders, tribal community and victims' advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.
- (5) Coordinating with tribal prosecutors in cases in which a tribal government has concurrent jurisdiction over an alleged crime, in advance of the expiration of any applicable statute of limitation.
- (6) Providing technical assistance and training regarding evidence gathering techniques and strategies to address victim and witness protection to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.
- (7) Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes.
- (8) Coordinating with the Office of Tribal Justice, as necessary.
- (9) Conducting such other activities to address and prevent violent crime in Indian country as the applicable United States Attorney determines to be appropriate.

(c) Effect of section

Nothing in this section limits the authority of any United States Attorney to determine the duties of a tribal liaison officer to meet the needs of the Indian tribes located within the relevant Federal district.

(d) Enhanced prosecution of minor crimes

(1) In general

Each United States Attorney serving a district that includes Indian country is authorized and encouraged—

- (A) to appoint Special Assistant United States Attorneys pursuant to section 543(a) of title 28 to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when—

(i) the crime rate exceeds the national average crime rate; or

(ii) the rate at which criminal offenses are declined to be prosecuted exceeds the national average declination rate;

(B) to coordinate with applicable United States district courts regarding scheduling of Indian country matters and holding trials or other proceedings in Indian country, as appropriate;

(C) to provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and

(D) to provide technical and other assistance to tribal governments and tribal court systems to ensure that the goals of this subsection are achieved.

(2) Sense of Congress regarding consultation

It is the sense of Congress that, in appointing Special Assistant United States Attorneys under this subsection, a United States Attorney should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.

(Pub. L. 101-379, §13, as added Pub. L. 111-211, title II, §213(b)(1), July 29, 2010, 124 Stat. 2268.)

§ 2811. Native American Issues Coordinator

(a) Establishment

There is established in the Executive Office for United States Attorneys of the Department of Justice a position to be known as the “Native American Issues Coordinator”.

(b) Duties

The Native American Issues Coordinator shall—

(1) coordinate with the United States Attorneys that have authority to prosecute crimes in Indian country;

(2) coordinate prosecutions of crimes of national significance in Indian country, as determined by the Attorney General;

(3) coordinate as necessary with other components of the Department of Justice and any relevant advisory groups to the Attorney General or the Deputy Attorney General; and

(4) carry out such other duties as the Attorney General may prescribe.

(Pub. L. 101-379, §14, as added Pub. L. 111-211, title II, §214(b), July 29, 2010, 124 Stat. 2271.)

§ 2812. Indian Law and Order Commission

(a) Establishment

There is established a commission to be known as the Indian Law and Order Commission (referred to in this section as the “Commission”).

(b) Membership

(1) In general

The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, in consultation with—

- (i) the Attorney General; and
- (ii) the Secretary;

(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with

the Chairpersons of the Committees on Indian Affairs and the Judiciary of the Senate;

(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson and Ranking Member of the Committees on Indian Affairs and the Judiciary of the Senate;

(D) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairpersons of the Committees on the Judiciary and Natural Resources of the House of Representatives; and

(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Members of the Committees on the Judiciary and Natural Resources of the House of Representatives.

(2) Requirements for eligibility

Each member of the Commission shall have significant experience and expertise in—

(A) the Indian country criminal justice system; and

(B) matters to be studied by the Commission.

(3) Consultation required

The President, the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate shall consult before the appointment of members of the Commission under paragraph (1) to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) Term

Each member shall be appointed for the life of the Commission.

(5) Time for initial appointments

The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(6) Vacancies

A vacancy in the Commission shall be filled—

(A) in the same manner in which the original appointment was made; and

(B) not later than 60 days after the date on which the vacancy occurred.

(c) Operation

(1) Chairperson

Not later than 15 days after the date on which all members of the Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission.

(2) Meetings

(A) In general

The Commission shall meet at the call of the Chairperson.

(B) Initial meeting

The initial meeting shall take place not later than 30 days after the date described in paragraph (1).

(3) Quorum

A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(4) Rules

The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this chapter and other applicable law.

(d) Comprehensive study of criminal justice system relating to Indian country

The Commission shall conduct a comprehensive study of law enforcement and criminal justice in tribal communities, including—

(1) jurisdiction over crimes committed in Indian country and the impact of that jurisdiction on—

- (A) the investigation and prosecution of Indian country crimes; and
- (B) residents of Indian land;

(2) the tribal jail and Federal prisons systems and the effect of those systems with respect to—

- (A) reducing Indian country crime; and
- (B) rehabilitation of offenders;

(3)(A) tribal juvenile justice systems and the Federal juvenile justice system as relating to Indian country; and

(B) the effect of those systems and related programs in preventing juvenile crime, rehabilitating Indian youth in custody, and reducing recidivism among Indian youth;

(4) the impact of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) on—

- (A) the authority of Indian tribes;
- (B) the rights of defendants subject to tribal government authority; and
- (C) the fairness and effectiveness of tribal criminal systems; and

(5) studies of such other subjects as the Commission determines relevant to achieve the purposes of the Tribal Law and Order Act of 2010.

(e) Recommendations

Taking into consideration the results of the study under paragraph (1),¹ the Commission shall develop recommendations on necessary modifications and improvements to justice systems at the tribal, Federal, and State levels, including consideration of—

(1) simplifying jurisdiction in Indian country;

(2) improving services and programs—

- (A) to prevent juvenile crime on Indian land;
- (B) to rehabilitate Indian youth in custody; and
- (C) to reduce recidivism among Indian youth;

(3) adjustments to the penal authority of tribal courts and exploring alternatives to incarceration;

(4) the enhanced use of chapter 43 of title 28 (commonly known as “the Federal Magistrates Act”) in Indian country;

(5) effective means of protecting the rights of victims and defendants in tribal criminal justice systems (including defendants incarcerated for a period of less than 1 year);

(6) changes to the tribal jails and Federal prison systems; and

(7) other issues that, as determined by the Commission, would reduce violent crime in Indian country.

(f) Report

Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a report that contains—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission for such legislative and administrative actions as the Commission considers to be appropriate.

(g) Powers**(1) Hearings****(A) In general**

The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section.

(B) Public requirement

The hearings of the Commission under this paragraph shall be open to the public.

(2) Witness expenses**(A) In general**

A witness requested to appear before the Commission shall be paid the same fees and allowances as are paid to witnesses under section 1821 of title 28.

(B) Per diem and mileage

The fees and allowances for a witness shall be paid from funds made available to the Commission.

(3) Information from Federal, tribal, and State agencies**(A) In general**

The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

(B) Tribal and State agencies

The Commission may request the head of any tribal or State agency to provide to the Commission such information as the Commission considers to be necessary to carry out this section.

(4) Postal services

The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(5) Gifts

The Commission may accept, use, and dispose of gifts or donations of services or property.

(h) Commission personnel matters**(1) Travel expenses**

A member of the Commission shall be allowed travel expenses, including per diem in

¹ So in original. Probably should be “subsection (d),”.

lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) Detail of Federal employees

On the affirmative vote of $\frac{2}{3}$ of the members of the Commission and the approval of the appropriate Federal agency head, an employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(3) Procurement of temporary and intermittent services

On request of the Commission, the Attorney General shall provide to the Commission, on a reimbursable basis, reasonable and appropriate office space, supplies, and administrative assistance.

(i) Contracts for research

(1) Researchers and experts

(A) In general

On an affirmative vote of $\frac{2}{3}$ of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out the duties of the Commission under this section.

(B) National Institute of Justice

The National Institute of Justice may enter into a contract with the researchers and experts selected by the Commission under subparagraph (A) to provide funding in exchange for the services of the researchers and experts.

(2) Other organizations

Nothing in this subsection limits the ability of the Commission to enter into contracts with any other entity or organization to carry out research necessary to carry out the duties of the Commission under this section.

(j) Tribal Advisory Committee

(1) Establishment

The Commission shall establish a committee, to be known as the “Tribal Advisory Committee”.

(2) Membership

(A) Composition

The Tribal Advisory Committee shall consist of 2 representatives of Indian tribes from each region of the Bureau of Indian Affairs.

(B) Qualifications

Each member of the Tribal Advisory Committee shall have experience relating to—

- (i) justice systems;
- (ii) crime prevention; or
- (iii) victim services.

(3) Duties

The Tribal Advisory Committee shall—

- (A) serve as an advisory body to the Commission; and

(B) provide to the Commission advice and recommendations, submit materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission under this section.

(k) Funding

For the fiscal year after July 29, 2010, out of any unobligated amounts available to the Secretary of the Interior or the Attorney General, the Secretary or the Attorney General may use to carry out this section not more than \$2,000,000.

(l) Termination of Commission

The Commission shall terminate 90 days after the date on which the Commission submits the report of the Commission under subsection (f).

(m) Nonapplicability of FACA

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(Pub. L. 101-379, §15, as added Pub. L. 111-211, title II, §235, July 29, 2010, 124 Stat. 2282.)

REFERENCES IN TEXT

The date of enactment of this Act, referred to in subsections (b)(5) and (f), probably means the date of enactment of Pub. L. 111-211, which was approved July 29, 2010.

The Indian Civil Rights Act of 1968, referred to in subsection (d)(4), is title II of Pub. L. 90-284, Apr. 11, 1968, 82 Stat. 77, which is classified generally to subchapter I (§1301 et seq.) of chapter 15 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

The Tribal Law and Order Act of 2010, referred to in subsection (d)(5), is title II of Pub. L. 111-211, July 29, 2010, 124 Stat. 2261. For complete classification of this Act to the Code, see Short Title of 2010 Amendment note set out under section 2801 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsection (m), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 2813. Testimony by Federal employees

(a) Approval of employee testimony or documents

(1) In general

The Director of the Office of Justice Services or the Director of the Indian Health Service, as appropriate (referred to in this section as the “Director concerned”), shall approve or disapprove, in writing, any request or subpoena from a tribal or State court for a law enforcement officer, sexual assault nurse examiner, or other employee under the supervision of the Director concerned to provide documents or testimony in a deposition, trial, or other similar criminal proceeding regarding information obtained in carrying out the official duties of the employee.

(2) Deadline

The court issuing a subpoena under paragraph (1) shall provide to the appropriate Federal employee (or agency in the case of a document request) notice regarding the request to provide testimony (or release a document) by not less than 30 days before the date on which the testimony will be provided.

(b) Approval**(1) In general**

The Director concerned shall approve a request or subpoena under subsection (a) if the request or subpoena does not violate the policy of the Department to maintain impartiality.

(2) Failure to approve

If the Director concerned fails to approve or disapprove a request or subpoena for testimony or release of a document by the date that is 30 days after the date of receipt of notice of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this section.

(Pub. L. 101-379, §16, as added Pub. L. 111-211, title II, §263, July 29, 2010, 124 Stat. 2300.)

§ 2814. Policies and protocol

The Director of the Indian Health Service, in coordination with the Director of the Office of Justice Services and the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service, based on similar protocol that has been established by the Department of Justice.

(Pub. L. 101-379, §17, as added Pub. L. 111-211, title II, §265, July 29, 2010, 124 Stat. 2300.)

§ 2815. State, tribal, and local law enforcement cooperation

The Attorney General may provide technical and other assistance to State, tribal, and local governments that enter into cooperative agreements, including agreements relating to mutual aid, hot pursuit of suspects, and cross-deputization for the purposes of—

- (1) improving law enforcement effectiveness;
- (2) reducing crime in Indian country and nearby communities; and
- (3) developing successful cooperative relationships that effectively combat crime in Indian country and nearby communities.

(Pub. L. 111-211, title II, §222, July 29, 2010, 124 Stat. 2272.)

CODIFICATION

Section was enacted as part of the Tribal Law and Order Act of 2010, and not as part of the Indian Law Enforcement Reform Act which comprises this chapter.

DEFINITIONS

For definitions of terms used in this section, see section 203(a) of Pub. L. 111-211, set out as a note under section 2801 of this title.

CHAPTER 31—NATIVE AMERICAN LANGUAGES

Sec.	
2901.	Findings.
2902.	Definitions.
2903.	Declaration of policy.
2904.	No restrictions.
2905.	Evaluations.
2906.	Use of English.

§ 2901. Findings

The Congress finds that—

(1) the status of the cultures and languages of Native Americans is unique and the United States has the responsibility to act together with Native Americans to ensure the survival of these unique cultures and languages;

(2) special status is accorded Native Americans in the United States, a status that recognizes distinct cultural and political rights, including the right to continue separate identities;

(3) the traditional languages of Native Americans are an integral part of their cultures and identities and form the basic medium for the transmission, and thus survival, of Native American cultures, literatures, histories, religions, political institutions, and values;

(4) there is a widespread practice of treating Native Americans¹ languages as if they were anachronisms;

(5) there is a lack of clear, comprehensive, and consistent Federal policy on treatment of Native American languages which has often resulted in acts of suppression and extermination of Native American languages and cultures;

(6) there is convincing evidence that student achievement and performance, community and school pride, and educational opportunity is clearly and directly tied to respect for, and support of, the first language of the child or student;

(7) it is clearly in the interests of the United States, individual States, and territories to encourage the full academic and human potential achievements of all students and citizens and to take steps to realize these ends;

(8) acts of suppression and extermination directed against Native American languages and cultures are in conflict with the United States policy of self-determination for Native Americans;

(9) languages are the means of communication for the full range of human experiences and are critical to the survival of cultural and political integrity of any people; and

(10) language provides a direct and powerful means of promoting international communication by people who share languages.

(Pub. L. 101-477, title I, §102, Oct. 30, 1990, 104 Stat. 1153.)

SHORT TITLE

Section 101 of title I of Pub. L. 101-477 provided that: “This title [enacting this chapter] may be cited as the ‘Native American Languages Act’.”

§ 2902. Definitions

For purposes of this chapter—

(1) The term “Native American” means an Indian, Native Hawaiian, or Native American Pacific Islander.

(2) The term “Indian” has the meaning given to such term under section 7491(3) of title 20.

(3) The term “Native Hawaiian” has the meaning given to such term by section 7517 of title 20.

¹ So in original. Probably should be “American”.